



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JULY 25, 2005

TLL.4
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-13
283 E. 17TH ST. UNIT B

DATE: JULY 14, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714) 754-5611

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow a 1,262 square foot physical fitness facility in conjunction with a minor conditional use permit to deviate from shared parking requirements due to special operating characteristics.

APPLICANT

The applicant is Wes Scarberry, representing the property owner, Perlmutter Family Trust.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The subject property contains a multiple tenant retail center anchored by Staples and Ross Department Store. The tenant space, which is 1,262 square feet in size, is located within the recently remodeled building adjacent to Ross, between a salon (17th Street Beauty) and a beauty school (James Albert School of Hair and Skin). A future restaurant (Greek Town Grill) will also occupy a space within this building.

ANALYSIS

The applicant is proposing a physical fitness facility named 20-Minute Workout. According to the applicant's description of the use, a copy of which is attached to this report, the facility will offer personalized, one-on-one physical training and conditioning. Workout sessions are arranged by appointment – no "walk-ups," or classes with a number of clients are provided. There would be no more than two trainers – one for each client – at one time. The facility operates between the hours of 6:00 a.m. to 6:00 p.m.; during the course of a typical day, up to 18 clients would be served.

Under Code, physical fitness facilities require approval of a conditional use permit. In addition, Code requires a minimum of 13 parking spaces are required for the use (10 spaces per 1,000 square feet of floor area), an increase of 8 spaces over the 5 parking spaces permitted for the prior retail use (4 spaces per 1,000 square feet of floor area). As a result, the applicant is also requesting approval of a minor conditional use permit to allow a reduction in the required parking for the use.

It is staff's opinion that the proposed use, based on the applicant's description, will be compatible with the surrounding area. Because there would be no more than four persons at the facility (two trainers and two clients) at any one time, there is adequate on-site parking to accommodate the use. The facility utilizes traditional workout equipment, but does not utilize loud music or aerobics. Staff has incorporated conditions of approval to minimize adverse impacts on the surrounding properties.

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act.

ALTERNATIVES

If the application is denied, the use could not be conducted on the property. The applicant could not file substantially the same type of application for six months.

CONCLUSION

Based upon the operating characteristics, the proposed use should not be disruptive to surrounding properties. Therefore, staff supports the use and the shared parking deviation.

Attachments: Draft Planning Commission Resolution
Exhibit "A" - Draft Findings
Exhibit "B" - Draft Conditions of Approval
Applicant's Project Description and Justification
Zoning/Location Map
Plans

cc: Deputy City Manager - Dev. Svs. Director
Senior Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Wes Scarberry
1750 Whittier Avenue #17
Costa Mesa, CA 92627

Dan Perlmutter
Perlmutter Family Trust
500 Newport Center Drive, Suite 520
Newport Beach, CA 92660

File: 072505PA0513	Date: 071205	Time: 1:15 p.m.
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-13**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Wes Scarberry, authorized agent for Perlmutter Family Trust, with respect to the real property located at 283 E. 17th Street, Unit B, requesting approval of a conditional use permit to allow a 1,262 square foot physical fitness facility in conjunction with a minor conditional use permit to deviate from shared parking requirements due to special operating characteristics; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 25, 2005;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Planning Application PA-05-13 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for PA-05-13 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 25th day of July, 2005.

Chair, Costa Mesa
Planning Commission

4

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, R. Michael Robinson, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 25, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed use is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented does comply with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is compatible with developments in the same general area. Granting the conditional use permit and minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the physical fitness facility will be located within an enclosed building and the training sessions for the physical fitness facility will be one-on-one and by appointment only, so there is adequate on-site parking to accommodate the use.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 2. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 4. The use shall be limited to the type of operation described in the staff report, i.e., one-on-one physical training and conditioning. Workout sessions shall be by appointment only – no “walk-ups,” or classes shall be provided. There shall be no more than two trainers – one for each client – at one time. The facility shall operate between the hours of 6:00 a.m. to 6:00 p.m.; during the course of a typical day, a maximum of 18 clients shall be served. Any change in the operational characteristics including, but not limited to, hours of operation, shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 5. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem.

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #:

Environmental Determination:

Address:

283 B E. 17TH. ST. COSTA MESA

1. Fully describe your request: I WISH TO OPERATE A PERSONAL TRAINING FACILITY AT THIS LOCATION THAT WILL HAVE ONLY ONE CLIENT AT A TIME. EACH CLIENT WILL BE PUT THROUGH A "SUPER SLOW CERTIFIED" EXERCISE PROGRAM THAT IS CLINICAL IN NATURE. THIS ATMOSPHERE IS VERY QUIET. NO MUSIC, NO AEROBICS, NO BALLISTIC MOVEMENTS ARE EMPLOYED.
2. Justification

- A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

I HAVE OPERATED THIS BUSINESS AT 120 TUSTIN AVE. NEWPORT BEACH FOR THE PAST 4 YEARS WITHOUT A SINGLE COMPLAINT. MY CLIENTS ARE WEALTHY, EDUCATED PROFESSIONALS, I SEE NOT MORE THAN TWO PER HOUR.

- B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

NO CHANGES ARE PLANNED FOR THIS LOCATION.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Wes Scully
Signature

3-8-05
Date

June 9, 2005
Mel Lee, AICP
Senior Planner

Application: CONDITIONAL USE PERMIT PA-05-13 - 283E. 17TH STREET,COSTA MESA

In response to your letter of May 24, 2005, you will find attached the drawing that I have done. It is a completely accurate floor plan of the 283 B unit on E. 17th. street where I am attempting to attain a business license to operate my one-on-one exercise facility. The first drawing that I submitted was supplied to me by DMP Properties and was apparently drawn before the previous tenant altered the unit. I have no plans for any structural changes to the unit and intend to use it as is.

I am a SuperSlow® certified trainer and have operated a SuperSlow® certified exercise facility in Orange County since 1998. All SuperSlow® certified facilities must operate by a strict protocol and train every client with this one-on-one exercise protocol. My facility will average about 100 workouts per week. This will be spread over five and a half days, so the facility will see about eighteen clients per day. The check cashing business that previously occupied this unit probably had about eighteen customers per hour. Since my business will service many fewer people it seems to me that the parking situation will actually be improved by my business. I hope this will help you in your decision to allow me to move my project forward. Thank you for your consideration.

Sincerely,

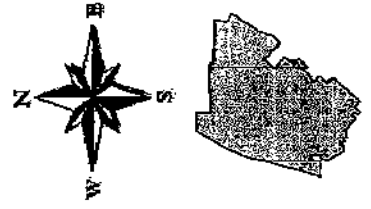
Wes Scarberry
Owner: Ultimate 20 Minute Workout

cc: Perlmutter Family Trust
c/o/ dan Perlmutter
500 Newport Center Drive, Suite 520
Newport Beach, CA 92660

PA-05-13

Legend

Street Names
Parcel Lines
Ortho
Photography





CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**